

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

I.S.,) No. _____
)
 Plaintiff,)
) St. Louis City Cause No:
 vs.) 1022-CC12071
)
 THE WASHINGTON UNIVERSITY,)
)
 Defendant.)

NOTICE OF REMOVAL

COMES NOW defendant, The Washington University, and files this Notice of Removal of the above-captioned action to the United States District Court for the Eastern District of Missouri, Eastern Division, under 28 U.S.C. §§1331, 1441 and 1446. In support, defendant states as follows:

1. The above-captioned action, now pending in the Circuit Court of the City of St. Louis, State of Missouri, is a civil action for breach of the fiduciary duty of confidentiality, negligence, negligence per se and public disclosure of private facts brought by the above-named plaintiff.

2. Originally, Plaintiff's Petition named The Washington University d/b/a Washington University School of Medicine, Washington University Medical Center, Washington University Physicians Network and Elisa H. Birnbaum, M.D as defendants. A copy of Plaintiff's Petition filed in the state circuit court is attached to this Notice and incorporated by reference as Exhibit 1.

3. The parties had an agreement to waive service in this matter and counsel for this defendant was first provided with a copy of Plaintiff's Petition via correspondence from

plaintiff's counsel dated January 7, 2011 and received January 8, 2011. A copy of said correspondence is attached to this Notice and incorporated by reference as Exhibit 2.

4. On or about January 21, 2011, plaintiff filed a First Amended Petition in this matter. This First Amended Petition named only the Washington University as a defendant. A copy of Plaintiff's First Amended Petition is attached to this Notice and incorporated by reference as Exhibit 3.

5. Plaintiff's First Amended Petition alleges a cause of action arising under the Health Insurance Portability and Accountability Act of 1996 (HIPAA), Pub.L. No. 104-191, 110 Stat.1936. Specifically, Count III, Paragraphs Forty-Three (43) through Fifty-Three (53) of Plaintiff's First Amended Petition allege that defendant disclosed plaintiff's protected medical information in violation of HIPAA.

6. Plaintiff's allegations of cause of action under the Health Insurance Portability and Accountability Act of 1996 raise a federal question. As such, this Court has original jurisdiction over the subject action pursuant to 28 U.S.C. § 1331.

7. This Notice of Removal was filed in this Court within thirty days after Defendant received plaintiff's petition in this matter on January 8, 2011.

8. This Defendant files with this Notice, as Exhibit 4, the complete court file from the state court action, including Exhibits 1 and 3 as part thereof.

WHEREFORE, Defendant, The Washington University, requests this Honorable Court to accept jurisdiction over this action.

Respectfully submitted,

/s/ Christine A. Vaporean

Christine A. Vaporean, #48021MO
BROWN & JAMES, P.C.
1010 Market Street, 20th Floor
St. Louis, MO 63101
Phone: (314) 421-3400
Fax: (314) 421-3128
cvaporean@bjpc.com

CERTIFICATE OF SERVICE

I hereby certify that on this 4th day of February, 2011, the foregoing was filed electronically with the Clerk of the Court to be served by operation of the Court's electronic filing system upon the following:

Mr. Brian F. Reinhold
Law Office of Brian F. Reinhold
111 Prospect Avenue, Suite 201B
Kirkwood, MO 63122
breinhold@reinholdlawoffice.com
Attorney for Plaintiff

/s/ Christine A. Vaporean

CAV/HLD/8996662